

RECEIVED

DEC - 8, 2011

TONY R. MOORE, CLERK

**UNITED STATE DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

LACRYSTAL WYATT

CIVIL ACTION NO: 11-1759

VERSUS

JUDGE DONALD E. WALTER

TARGET CORPORATION OF
MINNESOTA

MAGISTRATE JUDGE HORNSBY

ORDER

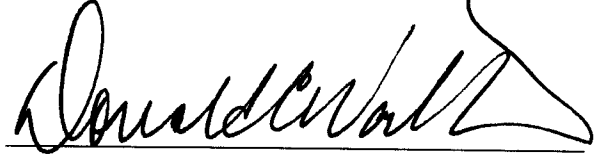
Before the Court is a Motion to Remand [Doc. #6] filed by the Plaintiff, LaCrystal Wyatt. The motion is opposed by the Defendant, Target Corporation of Minnesota. [Doc. #8].

Plaintiff filed her Complaint in state court, which was subsequently removed to this Court by the Defendant based on diversity of citizenship pursuant to 28 U.S.C. § 1332. [Doc. #1]. Plaintiff's state law Complaint carefully states that her damages exceed \$50,000.00, but are less than \$75,000.00 at the time of filing. [Complaint ¶ VII]. Plaintiff reserved her right "to amend for a greater amount pending discovery." *Id.* Thus, Plaintiff has alleged an indeterminate amount of damages. *DeAguilar, et al v. Boeing Co., et al*, 47 F.3d 1404, 1409 (5th Cir. 1995).

Defendant has demonstrated by a preponderance of the evidence that the amount in controversy exceeds \$75,000.00. *Simon v. Walmart Stores*, 193 F.3d 848, 850 (5th Cir. 1999). Plaintiff's Complaint alleges that "she has sustained severe and disabling injuries" to her neck and back, cephalgia, and abdominal stress. [Complaint ¶ V]. She alleges damages for physical pain and suffering (past, present and future); medical expenses (past, present and future); loss of enjoyment of life (past, present and future); and lost wages and loss of earning capacity (past, present and future). [Complaint ¶ VI]. Thus, the face of the Complaint establishes that Plaintiff's alleged damages

exceed the required jurisdictional amount of \$75,000.00. *See Lockett v. Delta Airliens, Inc.*, 171 F.3d 295, 298 (5th Cir. 1999). Accordingly, Plaintiff's Motion to Remand [Doc. #6] is hereby **DENIED.**

THUS DONE AND SIGNED, this 8 day of December, 2011.

A handwritten signature in black ink, appearing to read "Donald E. Walter", written over a horizontal line.

DONALD E. WALTER
UNITED STATES DISTRICT JUDGE